

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BLUE GENTIAN, LLC, et al.,

Plaintiffs,

V.

TELEBRANDS CORPORATION, et al.,

Defendants.

Civil No. 13-4627(FSH)

ORDER

July 14, 2014

HOCHBERG, District Judge:

This matter comes before the Court upon a Report and Recommendation by Magistrate Judge Clark dated April 30, 2014 [Docket # 76], recommending that this Court deny the Retail Defendants'¹ Motions to Dismiss and to Strike; and it appearing that the Federal Circuit recently issued a decision in *In re Nintendo of America, Inc.*, __ F.3d __, 2014 WL 2889911 (Fed. Cir. June 25, 2014), which may have some bearing on the Report and Recommendation issued by Magistrate Judge Clark; and good cause appearing,

It is on this 14th day of July, 2014,

ORDERED that the Report and Recommendation of Magistrate Judge Clark [docket # 76] is **RECOMMENDED** to Judge Clark to reconsider in light of *In re Nintendo of America, Inc.*

s/ Faith S. Hochberg
Faith S. Hochberg, U.S.D.J.

¹ The Walgreen Company and Wal-Mart Stores are collectively referred to as the “Retail Defendants.”